

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:10-CR-9-1H  
NO. 5:13-CV-81-H

MELVIN EARL BATTLE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

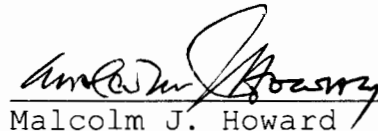
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**ORDER**

This matter is before the court on petitioner's motion to vacate pursuant to 28 U.S.C. § 2255. Upon review of this matter, the court finds that counsel should be appointed to represent petitioner. W.H. Paramore, III, currently represents petitioner on other matters. Therefore, pursuant to this court's Standing Order, 11-SO-3, W.H. Paramore, III, is hereby additionally appointed to represent petitioner in order to determine whether petitioner may qualify for post-conviction relief pursuant to the Fourth Circuit's decision in United States v. Simmons, 649 F.3d 237 (4th Cir. 2011). Accordingly, the court DIRECTS counsel to review this matter and to inform

the court within thirty (30) days whether it intends to supplement or amend the filings of petitioner.

This 8<sup>th</sup> day of July 2014.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", is written over a horizontal line.

Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
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